

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

v.

25-MR- 131

OMID KAZEMIMANESH,

Defendant.

**NOTICE OF MOTION AND MOTION FOR
STAY OF MAGISTRATE JUDGE'S RELEASE ORDER**

THE UNITED STATES OF AMERICA, by and through its attorney, Michael DiGiacomo, United States Attorney for the Western District of New York, and the undersigned Assistant United States Attorney, respectfully moves, pursuant to Title 18, United State Code, Section 3145(a)(1), for an Order revoking Magistrate Judge Jeremiah J. McCarthy's Order releasing the defendant, entered on March 12, 2025; and the UNITED STATES OF AMERICA further moves for an Order staying said Order of Magistrate Judge Jeremiah J. McCarthy until such time as the Court can hear and determine the government's motion for review of the Magistrate Judge's determination on detention.

IN SUPPORT THEREOF, the government contends, and for reasons that will be forthcoming at a hearing on the government's motion, that the defendant does not have any lawful status in the United States, and is charged with violating Title 18, United States Code, Sections 1001(a)(2) and 1001(a)(3) by making false statements and using false documents while interacting with Customs and Border Protection law enforcement personnel when he attempted to enter the United States on March 8, 2025. The defendant's attempt to enter the United States in March 2025, was after the defendant was denied entry in October 2024 for

not having the necessary legal paperwork to enter the United States. During his interaction with law enforcement on March 8, 2025, he admitted that the paperwork he used in his attempt to enter the United States were fraudulent.

The defendant's release presents a significant a serious flight risk and non-appearance.

The government further asks for leave to supplement the record through memorandum or other pleadings as determined by the Court.

WHEREFORE, it is respectfully requested that the Court:

- 1) Stay the order of Magistrate Judge Jeremiah J. McCarthy's releasing the defendant until such time as the District Court can review the transcript from the detention proceedings, implement a scheduling order, hear and determine this motion; and
- 2) Revoke Magistrate Judge McCarthy's March 12, 2025 order releasing the defendant from custody and continue defendant's detention pending trial.

DATED: Buffalo, New York, March 13, 2025.

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